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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,211	07/26/2002	Stefan Hoffman	225/50985	1057

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/088,211

Applicant(s)

HOFFMANN ET AL

Examin r

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears n the cover sheet with the c rresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the navigation unit" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 8 should depend on claim 5 as to provide proper antecedent basis for "the navigation unit" or "the" should be changed to --a-- before "navigation unit.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vieweg [6,067,501] in view of Honkomp et al [6,345,229].

Vieweg discloses a vehicle data bus system having a data bus (5) for connecting a plurality of bus users (4, 6-19) in data communication with one another. See also column

4. According to Vieweg, the system comprises a locating apparatus having a locating

module (location finding device) connected as of the bus users and configures to receive wheel speed data and to acquire vehicle position data (column 2, line 40), direction of travel angle (col. 3, line 3) and travel speed data. Vieweg also recognizes that the determination of the position data is subject to certain imprecision and discloses appropriate map matching for correcting the position. See column 1. In addition, Vieweg discloses the use of a gyro-data determining device, such as a gyroscope. However, Vieweg does not particularly teach transmitting all the data over the data bus. Honkomp et al, on the other hand, discloses a method and device for determining a position of a vehicle. According to Honkomp et al, a data bus is provided for exchanging data from a plurality of device connected via the data bus. One of the devices is a location device (1) having a GPS receiver connected to a GPS antenna. The location device receives data from rotary (wheel) speed sensors and the reception antenna. According further to Honkomp et al, vehicle speed can be obtained from wheel speed data. In column 3, lines 39-41, the locating device can be provided in particular with a standard interface for vehicle-internal data bus and can receive the sensor (wheel) signal directly through this data bus. Through the interface, column 3, lines 64-66, actual (vehicle) speed, actual traveling direction, as well as other signals can be transmitted over the data bus. Honkomp et al discloses a degree of unreliability of the calculated position, wherein a position quality is computed and made available and a position quality signal as an output over the data bus. See column 4. In addition, Honkomp et al discloses a map match for providing position correction data (column 4). Honkomp et al also discloses a navigation unit, which receives the position data from the locating device. See column 4. The

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locating device, according to Honkomp et al, can be integrated with the GPS antenna. See column 4. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the system of Vieweg by incorporating the features from the system of Honkomp et al because such modification, as suggested by Honkomp et al, would provide a system in which position quality signal is guaranteed.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vieweg in view of Honkomp et al as applied to claim 1 above, and further in view of Watt et al [5,995,895].

Neither Vieweg nor Honkomp et al particularly teaches an engine and/or gearbox control unit as an additional bus user on the data bus. Watt et al, on the other hand, discloses a control of vehicular systems in response to anticipated conditions predicted using predetermined geo-referenced maps. According to Watt et al, there is provided a data bus to which a plurality of devices is connected, among which are controlled vehicle systems, such as an engine control unit and a transmission (gearbox) control unit. See figures 2, 7, 9 and 10. Watt et al also discloses a location signal generating circuit supported by the vehicle and configured to receive positioning signals and to generate location signals therefrom which represent the current position of the vehicle. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the combination of Vieweg and Honkomp et al by incorporating the features from the control system of Watt et al because such modification, as suggested by Watt et al in column 2, would improve performance of the system, while maximum efficiency can be achieved.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,247,440

Capurka et al

Sep. 1993

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER